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ANNUAL REPORT

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WORKMEN'S COMPENSATION DIVISION
DEPARTMENT OF LABOR AND INDUSTRY

to the

GOVERNOR OF MONTANA HONORABLE FORREST H. ANDERSON

for the Fiscal Year Ended June 30, 1972 Montana State Library
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STATE OF MONTANA DEPARTMENT OF LABOR AND INDUSTRY

WORKMEN'S COMPENSATION DIVISION

815 FRONT STREET
HELENA, MONTANA 59601
FORREST H. ANDERSON, GOVERNOR

November 1, 1972

J. J. CARDEN

The Honorable Forrest H. Anderson Governor of the State of Montana State Capitol Building Helena, Montana 59601

Dear Governor Anderson:

In accordance with the requirements of Section 82-4002, R.C.M. 1947 there is herewith transmitted to you the report of the Workmen's Compensation Division, Department of Labor and Industry, covering the fiscal year ended June 30, 1972.

Major accomplishments of the year include:

- . Reorganization of the agency from the Industrial Accident Board to the Workmen's Compensation Division and related internal structural changes precipitated by Executive Reorganization.
- . Substantial effort occasioned by passage of the federal Occupational Safety and Health Act and Montana's proposed state plan for administration of the program.
- . Completion of the initial phase of the statewide hearing testing program under which 50,000 Montana workers were evaluated vis-a-vis the effect of occupational noise upon their hearing.
- . Inauguration of a professional rehabilitation program designed to return the industrially injured of our state to prompt and full employment as closely proximate to their former position as possible.

Respectfully submitted,

WORKMEN'S COMPENSATION DIVISION

dministrator

JJC/ckl Enclosure

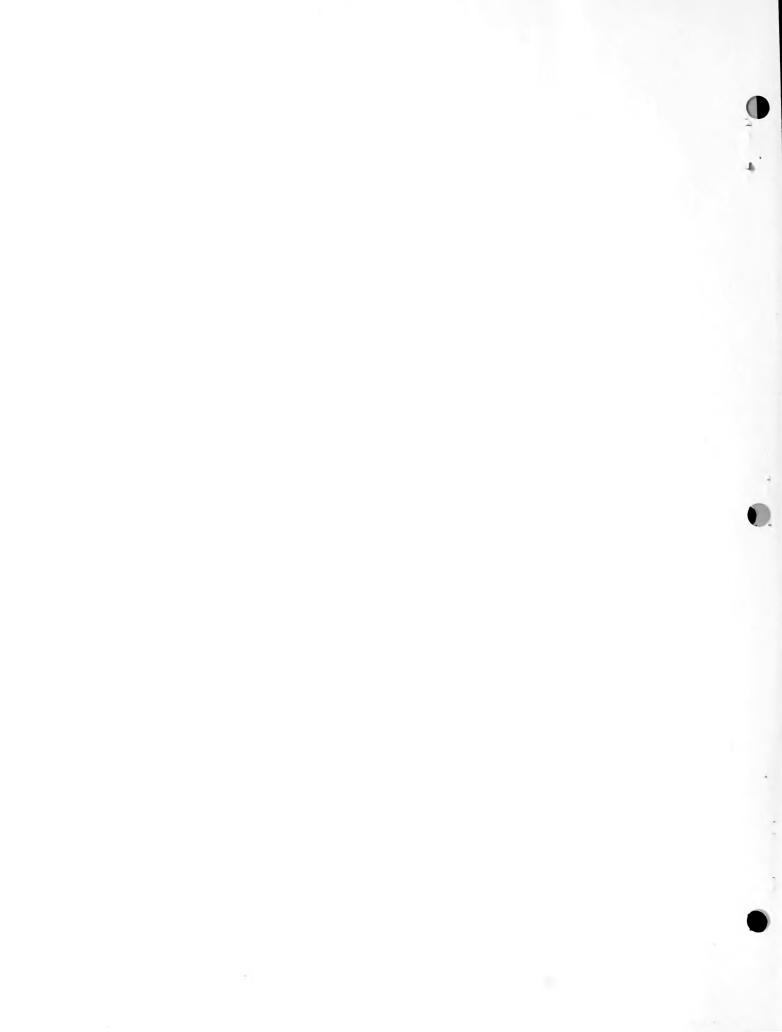


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PRINCIPAL OFFICES AND OFFICERS

PRINCIPAL ADMINISTRATIVE OFFICERS

J. J. CardenAdministrator
Kermit D. BoveeAssistant Administrator
Roy L. Jameson, ChiefBureau of Safety and Health
A. G. Pillen, ChiefBureau of Insurance Fund
C. Jerry Woods, ChiefBureau of Insurance Compliance
Andrew J. Kiely, ChiefBureau of Administration
Margaret CondonExecutive Secretary
Walter H. Marshall, DirectorPublic Information and Education
Kenneth D. Myers

Principal Administrative Office

815 Front Street

Helena, Montana 59601

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GENERALLY

The Workmen's Compensation Division is the successor agency to the

Industrial Accident Board. Its inclusion as a member agency of the

Department of Labor and Industry was precipitated by Executive Order of the

Governor of Montana, Honorable Forrest H. Anderson, dated December 13, 1971.

The statutes relating to the operations of the Workmen's Compensation Division are contained primarily in the following sections:

Sections 92-101 through 92-1406, R. C. M. 1947.

Operating procedures emanate from the Division to administer statutory requirements and Supreme Court precedence dictates further guidelines within which the Division operates.

SPECIAL

Inspection, Evaluation and Education Program.

The administration of the Montana Safety Act and laws relating to boiler inspection and licensing; regulation of the quartz mining industry are the responsibility of the Bureau of Safety and Health under the Workmen's Compensation Division.

LEGAL REFERENCES (Concluded)

The statutes relating to this operation are contained in the Montana Safety Act, Sections 41-1708 through 41-1733; Boiler and Engineers Code, Sections 69-1501 through 69-1518 and Boiler and Mines Code, Sections 50-901 through 51-906.

Workmen's Compensation Program.

The administration of the Workmen's Compensation Program is governed by Sections 92-101, 91-123 through 92-1406. The Division is further responsible for the administration of the following:

- 1. Occupational Disease Act Sections 92-1301 92-1360.
- 2. Industrial Insurance Second Injury Fund Section 92-709A.
- 3. Volunteer Fireman's Compensation Fund Sections 11-2020 and 2031.
- 4. Insurance Liquidation Fund Section 92-1004.
- 5. Silicosis Welfare Act Sections 71-1001 through 71-1009.

The Workmen's Compensation Division exists to provide prompt replacement income and medical benefits to work-accident victims, or income benefits to their dependents; provide a single remedy and reduce court delays, costs and work loads arising out of personal injury litigation; encourage maximum employer interest in safety and rehabilitation through an appropriate experience rating program; and promote frank studies of causes of accidents, thereby reducing preventable accidents and the attendant human suffering.

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EXECUTIVE REORGANIZATION

- Under the terms of Executive Reorganization, the Industrial
 Accident Board was dissolved. The Workmen's Compensation
 Division was created as a member agency of the Department of
 Labor and Industry.
- 2. The power previously vested in the Industrial Accident Board now resides with the administrator, Workmen's Compensation Division.
- 3. To facilitate smooth transition and efficient operation of the agency under Executive Reorganization, the internal structure of the agency was redesigned with creation of four functionally distinct Bureaus; Safety and Health, Insurance Fund, Insurance Compliance and Administration.

OCCUPATIONAL SAFETY AND HEALTH

1. The Workmen's Compensation Division reached the administrative decision to cooperate with the U. S. Department of Labor in facilitating effective operation of the federal Occupational Safety and Health Act in Montana. This decision was predicated upon the Workmen's Compensation Division's plan to propose a state plan for future administration of the act.

- 2. The Workmen's Compensation Division was redesignated the official agency within state government to work with the U. S. Department of Labor as the sole agency responsible for the enforcement and administration of the Occupational Safety and Health Law in Montana.
- 3. Montana's state plan to administer and enforce the safety and health laws in industries was submitted to the Occupational Safety and Health regional administrator in Denver on June 30, 1972.
- 4. Three Bureau of Safety and Health personnel completed a month long Federal Basic Occupational Safety and Health Course for compliance officers conducted by the National Institute on Occupational Safety and Health in Rosemont, Illinois. One of these persons was among the first group in the nation to complete the course.
- 5. Federal Occupational Safety and Health standards were adopted as advisory standards for industries in Montana.
- 6. A standards advisory council was appointed by Governor Forrest H.

 Anderson to review the Occupational Safety and Health administration's safety and health standards in preparation for the adoption of those standards as Montana standards.
- 7. A \$90,264.00 federal grant was requested and received to survey the Safety and Health Bureau's needs and establish priorities in the field of industrial safety.

- 8. A \$42,211.00 federal grant was requested and received to survey the Safety and Health Eureau's needs and establish priorities in the field of industrial health.
- 9. An industrial hygienist and a full-time field technician were added to the Bureau's staff to survey needs as stipulated in the health grant denoted above.
- 10. A \$32,278.00 federal grant was requested and received to survey the Bureau's needs and establish priorities in the field of industrial fire prevention.
- 11. A fire prevention specialist was employed by the Bureau to make field surveys and establish needs and priorities as set forth in the fire prevention grant denoted above.
- 12. A \$31,697.00 federal grant to review, develop and adopt safety and health standards was requested. Approval of the grant request was confirmed during the fiscal year ending June 30, 1972.
- 13. An exhaustive and comprehensive program of public information relating to general safety and to the Occupational Safety and Health activities was undertaken. Some 119 public meetings were conducted throughout Montana at which some 5,000 Montanans participated. A complete video tape series was prepared for public use and in-service training explaining the OSHA law, recordkeeping requirements, compliance officers' duties and other salient aspects of the Safety and Health Bureau's activities.

HEARING TEST

Montana law provides for compensation under the Workmen's Compensation Act for persons suffering hearing loss through exposure to industrial noise. A program was initiated to test the hearing of all workmen employed where industrial noise was considered to be a factor of employment. Some 50,000 workmen were tested in the program and the results of the tests communicated in cases where significant hearing impairment seemed evident. The tests were conducted by two professional organizations at an extremely reasonable cost under highly controlled testing conditions.

REHABILITATION

The Workmen's Compensation Division believes it increasingly important to change the emphasis of coverage for injured workmen from that of cash benefits alone to rehabilitation of the industrially injured worker and restoration of the worker to full employment at or near the person's previous position as soon as possible. To facilitate this effort, rehabilitation committees have been created through the leadership of the Division in Great Falls, Missoula and Billings. These committees are staffed with medical doctors, clinical psychologists, occupational therapists, employment counselors, vocational counselors and representatives of the Division and the Division of Vocational Rehabilitation. The staff members consider each referred case individually in order to provide rapidly and efficiently those services which will facilitate the rapid and thorough rehabilitation of the industrially injured person.

To facilitate this program, the Workmen's Compensation Division hired a professionally qualified and experienced rehabilitation supervisor and a field representative. These persons coordinate the activities of the rehabilitation committees and their monthly meetings.

PERSONNEL SYSTEM

In concert with the increased Executive Reorganizational emphasis on efficient operation of government agencies, the Division created the position of personnel manager. The office of personnel manager has been concerned with improved testing, interviewing and hiring practices; personnel evaluation, supervisory training, in-service and outside employee training, establishment of a businesslike system for the evaluation and routine personnel requirements of all employees and such related activities as salary increment determinations, wage and hour surveys, desk audits, task analyses and other functions of the position.

The unit has inaugurated personnel programs and policies such as upward mobility evaluations, lateral experience-transfers, management by objectives seminars, thorough personnel availability requisitions to match the right applicant to the right job, and inter-Divisional discussions to bring about a broader understanding on the Departmental level of mutual duties, operations and goals.

MICROFILM PROGRAM

The Division has upgraded a program of microfilm systems to eventually include all current claims and underwriting files. This service will greatly improve the efficiency of these operations and will speed delivery of services to claimants and employers alike. It will also assure, for the first time, a permanent reference source for any information which might be destroyed through theft or fire. Closed files are being microfilmed at this time. Current files will be microfilmed next. We project this project will be current within eighteen (18) months.

WORKMEN'S COMPENSATION ADVISORY COMMITTEE

The chief of the Bureau of Insurance Fund has served as chairman of a workman's compensation advisory committee composed of representatives of private insurance carriers and self-insureds in Montana.

This committee has worked closely with the Montana Hospital Association to insure that the finest possible hospital and medical care are rendered to the injured workman at the most reasonable possible rate.

The last legislative assembly required each hospital to file its rate schedule with the Division, such filing to be effective to the following twelve months.

That act has precipitated a close working relationship between the advisory committee and the Montana Hospital Association's committee on

financial requirements to affect a statewide adherence to the guiding principles of the American Hospital Association. These principles assure uniform and responsible billing procedures as well as quality health care. All 63 member hospitals of the Montana Hospital Association now cooperate in this important program.

A rate review committee of the MHA also now passes on all proposals for increased rates by member hospitals. The approval of the MHA Committee on financial requirements and the Advisory Committee will be gained before such increased rates will be instituted for compensation cases. The committee also worked with the Montana Medical Association to inaugurate a Relative Value Fee Schedule, providing for reasonable fees commensurate with the professional services rendered for workmen's compensation cases. In order to bring about a smooth transition to this rather complex system, it was necessary to dispatch trained personnel from the Workmen's Compensation Division to meet with doctors' office personnel explaining how billings should be made from this schedule. The schedule has been thoroughly implemented, however, and is working very satisfactorily.

METAL, NON-METALLIC MINES ACTIVITY

Metal and non-metallic mining and related industries safety standards were printed and distributed to all concerned industries. One metal and non-metallic mines inspector was added to the mining section staff to expedite inspections and enforce safety standards.

HOISTING, COMPRESSOR LICENSING COUNCIL

A hoisting and compressor licensing advisory council was appointed by Governor Forrest H. Anderson to establish licensing requirements for hoisting and compressor operators.

Under a 1971 law which became effective July 1, 1971; all persons operating hoists or cranes which carry personnel are required to successfully complete an oral and written examination. In addition, successful passage of a physical examination is required. In the current fiscal year, 50 persons were tested and 47 of those persons passed the examination. Tests will continue at locations throughout the state in order to make it as convenient as possible for prospective licensees to take the examination.

AMPUTEE CLINIC

Many workmen injured in the course of their employment sustain the loss of a limb and thereupon require a prosthetic device. The proper fitting of such a device is essential to allow the injured workman to either continue his previous employment or adapt satisfactorily to a new position. In addition, proper fit and training in the use of a prosthetic device is crucial to the morale of the workman and his family following the traumatic injury of this nature. Such care and training has not been provided in the past. The Division has moved to correct this situation through the creation of amputee clinics. Held on a monthly basis at the Missoula Rehabilitation Center, the clinic utilizes the services of orthopedic surgeons, persons involved in the construction of prosthetic devices, and

physical therapists qualified to instruct the workman in the proper use of the prosthetic device. The program is now being carried by the Bureau of Insurance Fund, but the private insurance carriers involved in compensation insurance are also being invited to participate.

WORKMEN'S COMPENSATION ADVISORY COUNCIL

The nine-member Workmen's Compensation Advisory Council met throughout the year to review proposed changes in the compensation coverage system in Montana. Their detailed study of the subject was parallel to the creation and operation of the President's Commission on Workmen's Compensation Laws. The report of the national commission, released at the end of this fiscal year, suggests a grace period for states in which they may move effectively to improve their own compensation delivery systems before the federal government takes action to preempt the field. Testimony prepared by the Workmen's Compensation Division for the national commission proposed such a period. Further, the Division requested financial and professional assistance be provided the states as they endeavor to upgrade their various compensation systems. In limited areas Montana is among the leading states in the nation in the field. In most others, substantial improvement must be proposed. The work of the Workmen's Compensation Advisory Council was pointed toward preparation of such proposals for improvement for presentation to the 1973 legislative assembly.

PUBLIC INFORMATION SYSTEM

A key requirement for reduction of industrial accidents and effective relationships between the Division and both employers and workers is a

thorough understanding of safety procedures and the operations of the Workmen's Compensation Division.

To this end, the Division has substantially upgraded its public information delivery system. The public information and education unit has coordinated some 125 public meetings of legislators, business persons, labor officials, the Montana Press Association, workers, farmers and ranchers and other interested persons to explain the Division's activities, Occupational Safety and Health Act provisions, safety procedures and related areas of interest.

Through hiring of a qualified publications specialist, the written material disseminated by the Division was coordinated and improved. The quarterly newsletter now contains a photo feature section dealing comprehensively with a subject of interest. Several national organizations of the insurance industry have requested re-print rights for articles in these newsletters.

Video tape training films have been prepared utilizing Division personnel. These films are also shown to public gatherings throughout the state. Radio and television films are also prepared by the unit and some \$15,000 in free radio and television air time is arranged for by the information-education director each year.

BOARD

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The goal of the Board Program, as titled in the current executive budget now the Division program under Executive Reorganization, is to: assure that Montana employers insured under the Workmen's Compensation Act, regardless of plan, receive all benefits for their employees which are promised under the Act; to maintain strict compliance by all employers engaged in hazardous injuries, works, or employments through the state of Montana.

OBJECTIVES

. The exercise, by the administrator, of quasi-judicial responsibilities with reference to fair and impartial settlement of claims. This power formerly was vested in the Board, prior to Executive Reorganization.

This program is designed to assure injured workmen prompt adjudication of his claim to medical and compensation payments.

Such actions were formerly the duty of the Industrial Accident Board in formal session. These powers now reside in the administrator of the Workmen's Compensation Division.

The ability, thus, to affect a continuous review of claims for compensation throughout the daily operation of the Division speeds the delivery process.

The intra-agency communicative procedure between claims examiners,

field representatives, administrative and executive personnel relative to the prompt settlement of claims has also been substantially improved.

. The determination of creditable loss experience through classifications for determining rate levels.

A professional actuary has been retained for a number of years to assess the loss experience ratio toward the end of reasonable and proper rate levels. Improvements in this area during the fiscal year ending June 30, 1972 include various rate adjustments and or experience refund.

. The provision of safety engineering services for all hazardous industries in order to reduce accident frequency and severity.

Under provisions of the state's activity relative to assumptive administration of the Occupational Safety and Health Act which is targeted for the next fiscal year, the Bureau of Safety and Health has substantively staffed up to more adequately conduct the inspection and education process needed relative to the state's hazardous industries.

Under a carefully devised zone system, compliance supervisors are selected for specific geographic areas within the state and their time planned weekly to achieve maximum efficiency and economy.

An on-going training program attempts to improve the working knowledge of each compliance officer as to both operations and safety and health standards.

With the passage and implementation of the Occupational Safety and Health Act, industrial health has increased in public concern. The Bureau

of Safety and Health has retained a qualified occupational health professional and a field assistant to begin work in this important area.

Cooperation with the U.S. Department of Labor through the OSHA program has been emphasized. Concurrent investigations to reduce the time loss of the employer through separate inspections have been implemented.

In addition, advisory inspections are offered to all Montana employers to inform them of areas of non-compliance with the OSHA standards prior to a federal inspection. At this time, variance with state standards is also noted for correction.

Further, additional staffing in the metal and non-metallic mines unit and the boiler inspection unit have provided additional manpower capability.

The on-going programs of the Safety and Health Bureau such as the occupational safety and health seminar exposed expanded numbers of hazardous industry representatives to new and improved safety techniques, procedures and practices.

The collection, evaluation and dissemination of accident data for the purpose of aiding in the reduction of preventable accidents.

The annual Work Injury Report was again published by the Workmen's Compensation Division. This year's publication was disseminated widely to employers, legislators and carriers to allow maximum exposure to risk tables and incidence rates with an eye toward improvement in the accident rate. The industrial accident frequency rate continued to show a significant decline; attributable in part to increased liason between the Division and safety

PROGRAM DESCRIPTIONS (Continued)

officers for industrial concerns and the resultingly greater emphasis upon job site safety policies and practices.

PERFORMANCE INDICATORS

	Historic 1970-71	Current 1971-72
Work Injuries Reported	21,986	23,195
Compensation Claims Filed	3,487	3,698
Hearings Held	273	270
Safety Compliance Officers	9	14
Health Compliance Officers	0	2
Support Personnel	7	14
Information Meetings	0	119
Persons Reached at Meetings	0	5,213
Advisory Inspections Requested and Performed	0	226
Safety Inspections Conducted	4,495	4,362
Work Orders/Citations Issued	127	1,216
Special Reports (Complaints)	149	127
Accidents Investigated (Fatal and Non-Fatal)	195	126
Boiler Licenses Renewed	2,800	2,954
Boiler License Examinations Given	547	476
First Aid Courses Conducted	40	26
Safety Meetings Conducted	242	498
Presentations of Safety Films	267	158
Industrial Safety Courses Conducted	16	9
Safety Field Surveys	0	119

PERFORMANCE INDICATORS (Concluded)

	Historic 1970-71	Current 1971-72
Health Field Surveys	0	116
Fire Field Surveys	0	135
"Work Injury Reports" Printed and Distributed	500	500

PROGRAM DESCRIPTIONS (Continued)

PROGRAM STATE INSURANCE FUND

GOALS

The goal of the program is to reduce the number of industrial accidents and provide an insurance plan of optimum coverage and benefit. The Fund operates in many aspects as a limited assigned risk pool required to extend coverage.

OBJECTIVES:

. Classification and underwriting all risks which elect to be bound under Plan III of the Workmen's Compensation Act.

The auditing section of the Underwriting Department has been completely revamped. We are now sending trained competent auditors to the field to contact the employers. These auditors must be accountants with the ability to show the employer how to organize his bookkeeping system so that he can effectively report his payroll to us. The understanding and cooperation of the employer is an absolute necessity to an effective delivery system and it is imperative that this man do an outstanding job in this regard. We anticipate this department will be fully staffed within the next fiscal year.

The Underwriting Department is presently studying the feasibility of group underwriting and other underwriting principles that make workmen's compensation less costly to employers who are concerned with the safety of their employees.

. Collection of all premium and assessment monies due from the various employers pursuant to coverage under the Plan.

The field auditors are responsible for collection of monies under these provisions. In addition, the Division has employed a full-time field representative specifically for the purpose of contacting such employers and others who have not elected specific compensation methods so as to ascertain their intentions in the matter.

. Provision of safety engineering services to all employers covered under the Plan.

The Bureau of Insurance Fund maintains two persons from the Safety and Health Bureau on its payroll for the purposes of assuring delivery of these services. This number will be doubled in the succeeding fiscal year.

. Reduction in the time-lag between date of injury and receipt of indemnity payment by the claimant.

The Insurance Fund Bureau has concentrated on a thorough organizational improvement in both the compensation payment and medical payment sections of the Bureau with an eye toward such reduction and a significant improvement has been noted.

. Statewide hearing test.

This is a new program now contained in the Executive Budget under provisions of the 1971 law surrounding this program. Montana employers are responsible for hearing loss sustained by their workers through employment

proximity to industrial noise. In order to establish a data base for future claims arising from such legislation, the Insurance Fund Bureau conducted hearing tests of some 50,000 Montanans in high noise industries. Those with existing auditory impairment were so advised. A program of continuous monitoring has been established to maintain current information about the hearing capability of those industrially employed in areas of high noise frequency.

. Rehabilitation.

This is a new program not contained in the Executive Budget. Under provisions of this program a professionally qualified rehabilitation supervisor and field representative were hired. Their duty is to contact industrially injured in close proximity to their time of injury with an eye toward their early return to employment in the same position or a position closely contiguous.

In support of this program, rehabilitation clinics have been established in Missoula, Great Falls and Billings. These clinics are staffed by a neurosurgeon, occupational therapist, physical therapist, clinical psychologist and other health care delivery specialists from the Division and the Vocational Rehabilitation Division. These clinics consider referred cases of industrially injured and utilize the team approach of rehabilitation and treatment in an effort to affect the early return to employment discussed above.

. Amputee Clinic.

This is a new program not contained in the Executive Budget. Many workmen suffer the loss of a limb in an industrial accident. In order to affect the most complete recovery possible and their return to productive employment and restored morale, it is essential that the prosthetic device provided be properly manufactured and fit and that the amputee receive adequate training in the operation and use of the device. Accordingly, an amputee clinic has been established at the Missoula County Rehabilitation Center. There amputees from throughout Montana are encouraged to visit with the prosthetic manufacturers, physicians, Division staff personnel and representatives of Vocational Rehabilitation to resolve any difficulties they may have encountered in the fit or operation of their prosthetic device. Planning for the program occurred during the fiscal year ending June 30, 1972. Operation of the clinic will begin during the succeeding fiscal year.

PERFORMANCE INDICATORS

	Historic 1970-71	Current 1971-72
Risks Underwritten	1099	1216
Auditors in Field	3	. 3
Unpaid Premium and Assessment Outstanding	\$42,240.59	\$103,160.60
Unpaid Premium and Assessment Collected	26,442.53	46,163.11
Persons Tested for Industrial Hearing Loss		
hearing hoss	0	50,000
Rehabilitation Staff Retained	0	. 2
Rehabilitation Contacts Made with Industrially Injured by		
Division Personnel	0	132
Rehabilitation Clinics Held	0	16
Lag Report - Compensation Paid in 14 Days or Fewer From Time of First Report of Injury	80,3%	83.6%

SILICOSOS PROGRAM

GOAL

The Workmen's Compensation Division is charged with the administration of the benefits of the silicosis law, Section 71-1001 through Section 71-1009, R. C. M. 1947. The goal of the program is to provide monthly benefit payments to those Montana residents who are totally disabled and barred from gainful employment because of silicosis.

OBJECTIVES:

- . Provision of continued effective medical screening of applicants in the determination of silicosis disability.
- . This program continues to decline in numbers served as the incidence of silicosis declines in Montana. The on-going program continues under efficient operation.
- . Institution of periodic checks of recipients for the purpose of income qualification.

The Division has devised an annual questionnaire to recipients designed to meet the need for income qualification. Persons not responding to the questionnaire are personally contacted relative to their response.

In addition, personnel from the Division continuously monitor deaths of silicotic payment recipients to remove their name from the compensation rolls upon death.

PERFORMANCE INDICATORS

	Historic 1970-71	Current 1971-72
Silicotics Compensated	361	321 .
Benefits Paid	\$650,021.48	\$644,713.72
Income Qualification Questionnaires Mailed	361	321
Income Qualification Questionnaires Received	361	321
Personal Interviews with Silicotics Conducted	15	12

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PROGRAM COST SUMMARY

	Fiscal Year
1970-71	1971-72
\$ 7,418,369	\$ 763,403
-0-	7,135,244
656,235	659,997
-0-	62,230
-0-	18,790
-0-	12,792
\$ 8,074,604	\$ 8,652,636
\$ 488,753	\$ 727,245
350,759	738,275
28,817	32,863
7,206,275	7,154,253
\$ 8,074,604	\$ 8,652,636
\$ 759,498	\$ 1,389,108
6,642,104	6,501,282
2,232	500 557
6,904	7,200
-0-	-0- 93,992
656,235	659,997
\$ 8,074,604	\$ 8,652,636
\$ \$ \$	\$ 7,418,369 -0- 656,235 -0000- \$ 8,074,604 \$ 488,753 350,759 28,817 7,206,275 \$ 8,074,604 \$ 759,498 6,642,104 4,631 2,232 6,904 3,000 -0- 656,235





